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**UNITED STATES DISTRICT COURT****EASTERN DISTRICT OF TEXAS**

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WILLIAM N. RAND,

Petitioner,

*versus*

RACHEL CHAPA,

Respondent.

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CIVIL ACTION NO. 1:17-CV-238

**MEMORANDUM ORDER OVERRULING PETITIONER'S OBJECTIONS AND  
ADOPTING THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION**

Petitioner William N. Rand, a prisoner confined at the Federal Prison Camp in Beaumont, Texas, proceeding *pro se*, filed this petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241.

The court ordered that this matter be referred to the Honorable Zack Hawthorn, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. The magistrate judge has submitted a Report and Recommendation of United States Magistrate Judge. The magistrate judge recommends denying the petition.

The court has received and considered the Report and Recommendation of United States Magistrate Judge, along with the record, pleadings, and all available evidence. Petitioner filed objections to the magistrate judge's Report and Recommendation.

The court has conducted a *de novo* review of the objections in relation to the pleadings and the applicable law. *See* FED. R. CIV. P. 72(b). After careful consideration, the court concludes the objections are without merit. Petitioner contends that he was unable to investigate the facts surrounding his disciplinary charge, which prevented him from discovering potential witnesses

until after the disciplinary hearing. In her affidavit, the disciplinary hearing officer states that testimony from those witnesses would not have changed her decision in light of the evidence supporting a finding of guilt. Even if petitioner had been able to present the testimony of his witnesses at the disciplinary hearing, there was still some evidence to support the decision of the disciplinary hearing officer. *Superintendent v. Hill*, 472 U.S. 445, 455-56 (1985). This Court may not conduct a *de novo* review of the evidence and substitute its opinion for the finding of the disciplinary hearing officer. Therefore, federal habeas relief is not warranted in this case.

### **ORDER**

Accordingly, petitioner's objections (#11) are **OVERRULED**. The findings of fact and conclusions of law of the magistrate judge are correct, and the report of the magistrate judge (#9) is **ADOPTED**. A final judgment will be entered in this case in accordance with the magistrate judge's recommendation.

SIGNED at Beaumont, Texas, this 21st day of September, 2018.

A handwritten signature in black ink, reading "Marcia A. Crone", is positioned above a horizontal line.

MARCIA A. CRONE  
UNITED STATES DISTRICT JUDGE